

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BOBBIE J. JOHNSTON,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 1:05-CV-706

Hon. Richard Alan Enslen

JUDGMENT

Plaintiff Bobbie J. Johnston, through counsel, has objected to Magistrate Judge Ellen S. Carmody's Report and Recommendation of February 21, 2007, which recommended that the decision of the Commissioner of Social Security denying Supplemental Security Benefits ("SSI") under Title XVI of the Social Security Act be affirmed. This Court now reviews the decision of the Commissioner to determine whether it is supported by substantial evidence. *See* 42 U.S.C. § 405(g); *Heston v. Comm'r of Soc. Sec.*, 245 F.3d 528, 534 (6th Cir. 2001).

Plaintiff's Objection reiterates arguments already raised and properly analyzed in the Magistrate Judge's thorough Report. As stated therein, there was more than substantial evidence to support the Administrative Law Judge's conclusion that Plaintiff was able to do a limited range of sedentary work and was not disabled. Plaintiff now argues that the Administrative Law Judge failed to adequately consider the disabling effects of her pain medication (Naprosyn) and that those disabling effects warrant remand for further determination. This argument is properly rejected. First of all, the allegation of disabling sedative effects was noted by the Administrative Law Judge, A.R.

at 17, but he did not find those allegations or the allegations of disabling pain credible in light of Plaintiff's daily activities and her demeanor at the hearing. (*See* A.R. 23-24.) Further, although Plaintiff complained about side effects of medication at the administrative hearing, there is no record evidence that she ever complained to a treating physician about the medication side effects or sought different treatment to avoid such side effects. Simply put, objective medical evidence does not support limitations based upon medication side effects. *See Burns v. Barnhart*, 312 F.3d 113, 130-31 (3d Cir. 2002) (rejecting allegation of disabling medication effects which was not supported by objective medical evidence in the record); *Ruffalo v. Barnhart*, 66 Fed. Appx. 56, 60 (7th Cir. 2003) (same).

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Bobbie J. Johnston's Objection (Dkt. No. 13) is **DENIED**, the Report and Recommendation (Dkt. No. 12) is **ADOPTED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

DATED in Kalamazoo, MI:
March 26, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE